

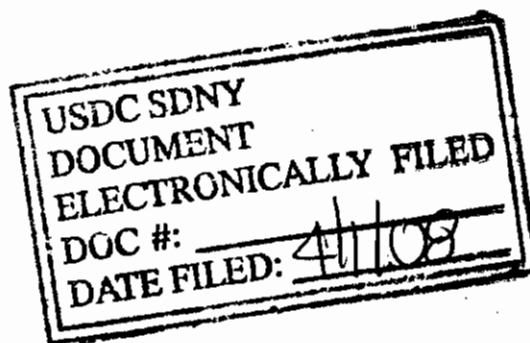
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
AXION POWER INTERNATIONAL, INC.,
WILLIAM AND TRACY AHEARN, h/w,
SALLY FONNER, and JAMES SMITH, M.D.
Plaintiffs,

against-

MERCATUS & PARTNERS, LTD.,
MF GLOBAL, INC., MF GLOBAL, UK. Ltd.,
CARI MASI a/k/a CARY MASI
BNP PARIBAS SECURITIES SERVICES,
BANCA MB S.p.A.,
DWIGHT PARSCALE,
STEPHANO CEVALO,
CONTINENTAL STOCK TRANSFER AND TRUST
COMPANY,
PENSON FINANCIAL SERVICES, INC., AND
BROWN BROTHERS HARRIMAN & CO.,
Defendants.
-----X

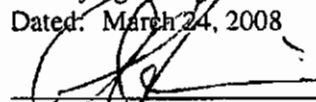
07 CV 11493 (RWS)
STIPULATION OF
DISMISSAL AS AGAINST
DEFENDANT
PENSON FINANCIAL SERVICES,
INC.




Pursuant to Rule 41(a)(A)(ii) of the Federal Rule Of Civil Procedure, the undersigned

hereby agree that this action is dismissed as against Defendant Penson Financial Services, Inc.

Dated: March 24, 2008


Alan S. Fellheimer (AF-1401)
FELLHEIMER & EICHEN LLP
44 Wall Street, 12th Floor
New York, NY 10005
Counsel For All Plaintiffs


Mark G. Hanchet
MAYER BROWN LLP
1675 Broadway
New York, NY 10019
Counsel for the Defendant
Penson Financial Services, Inc.

So Ordered:


U.S.D.J.

4.1-08